



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/313,532 09/30/94 WINKER

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EXAMINER
TRICE, R

ESM1/0702

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ART UNIT

PAPER NUMBER

2515
DATE MAILED:

13

07/02/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See the three attached pages.

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This case includes a petition to make special which was granted. Accordingly, this application must follow the procedures applicable to petition to make special cases including those in MPEP 708.02. In MPEP 708.02 VIII (3), the following is stated:

(3) Subsequent to the interview, or responsive to the examiner's first action if no interview was had, applicant will file the "record" response. The response at this stage, to be proper, must be restricted to the rejections, objections, and requirements made. Any amendment which would require broadening the search field will be treated as an improper amendment.

Since claim 14 includes the unsearched feature of an alignment layer which would require a new search in at least one sub-class of class 359, sub-classes 75-78, the present response is improper.

Furthermore, since claim 18 includes the feature of an adhesive layer which would require a search in class 359, sub-class 74, the present response is improper.

Furthermore, independent claim 11 is broader than independent claims 1-2 by the fact that claims 1-2 also include the particular types of compensators. This may require a researching of class 359, sub-class 73. This may be considered improper since the response arguably is not restricted to the rejections, objections, and requirements made.

Furthermore, a new claim 17 is presented with the amendment of 4-1-96 although there is already a claim 17 present in the application. Correction is required.

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Lastly, claim 12, and those claims which depend upon claim 12, will be objected to as being an improper dependent claims since the second compensator layer cannot be "deposited onto said first surface of said first compensator layer" if "one or more thin-film layers" are between the first and second compensator layers.

The communication filed on 4-1-96 is non-responsive to the prior Office action because the response is improper as detailed above.

Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence fails to comply with MPEP 708.02 VIII (3), applicant is required to make the response comply with MPEP 708.02 VIII (3) within a time limit of one month from the date of this letter or within the time remaining in the response period of the last Office action, whichever is the longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS.

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Any inquiry concerning this communication should be directed to Ron Trice at telephone number (703) 308-4117.

RT

Ron Trice
Patent Examiner
June 28, 1996



William L. Sikes
Supervisory Patent Examiner
Group Art Unit 2515